

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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FILED

UNITED STATES OF AMERICA

Plaintiff

v.

Cristian GONZALEZ HERNANDEZ

AKA: Christian Alexander
AMEZCUA

) Magistrate Docket No. 08 MJ00746 11:47

)
)
)
) COMPLAINT FOR
) VIOLATION OF:
) TITLE 18 U.S.C. § 1544
) Misuse of Passport

CLERK, U.S. DIST. COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about January 6, 2008, within the Southern District of California, defendant Cristian GONZALEZ HERNANDEZ did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by using US passport number 500033270, issued in the name Christian Alexander AMEZCUA, to apply for admission into the United States at the San Ysidro Port of Entry, knowing full well that he was not Christian Alexander AMEZCUA, DOB 07/11/1983, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

All in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 7th day of Jan, 2008.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

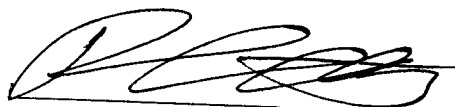
I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Cristian Gamaliel GONZALEZ HERNANDEZ, aka Christian Alexander AMEZCUA used the passport issued or designed for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 01/06/2008, at approximately 0806 hours, DEFENDANT was the passenger of a vehicle owned by DEFENDANT that entered the San Ysidro Port of Entry. The DEFENDANT identified himself with US Passport number 500033279, bearing the name Christian Alexander AMEZCUA, DPOB 07/11/1983, California, USA, and a photograph of DEFENDANT. The CBP Officer questioned DEFENDANT, who appeared nervous. DEFENDANT claimed to have been born in the US, and returning to his home. The passenger attested that he had known DEFENDANT all his life and knew that he was a US citizen. The CBP Officer suspected that DEFENDANT was not, in fact, a US citizen and DEFENDANT was referred for secondary inspection.
4. On 01/06/2008, a CBP Officer interviewed DEFENDANT in secondary inspection. DEFENDANT again claimed to be Christian Alexander AMEZCUA, and a US citizen. DEFENDANT's fingerprints were taken, revealing that he had been previously arrested by US Border Patrol on 10/26/1999, in the name Cristian GONZALEZ HERNANDEZ, DOB 08/10/1980. During the interview of the passenger, he admitted knowing that DEFENDANT was born in Mexico, not the US as he previously stated.
5. On 01/06/2008, at approximately 1030 hours, the Affiant was advised by a CPB Officer at the San Ysidro POE that the DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE.
6. On 01/06/2008, at approximately 1445 hours, DEFENDANT was retrieved from a seating area in the secondary inspection area and was brought to an interview room. The Affiant, assisted by a CBP Officer, who also served as translator, obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Cristian Gamaliel GONZALEZ HERNANDEZ, DPOB, 08/10/1980, Tepix, Nayarit, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that he purchased copy of his business partner's Birth Certificate, and was given a California Driver License. DEFENDANT stated that he wrote a check from his business to his business partner for \$5,000, indicating on the check in the note section, "bonus." He then used the driver license and birth certificate to apply for a US Passport in the name of his business partner, Christian

Alexander AMEZCUA. DEFENDANT said that he was subsequently in JS Passport number 500033270, in the name of his business partner. CEM

7. DEFENDANT admitted to using the passport in the name of his business partner to apply for entry into the US on 01/06/2008, at the San Ysidro Port of Entry. DEFENDANT said that he had previously been living illegally in the United States for the previous 9 years. He admitted knowing that it was illegal to use a California Driver License in the name of another, apply for a US Passport in the name of another, use a passport in the name of another and to falsely claim to be a US Citizen. DEFENDANT made an oral, recorded confession as to his true identity and to elements of the charge.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offenses on 01/06/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Christian Alexander AMEZCUA, knowing that it was not issued or designed for his use, in order to gain admission into the United States.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service